IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH

TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE.

AND

HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

W.A.M.P.No.467 of 2005

In/and

W.A.No.431 of 2005

(Writ Appeal under Clause 15 of the Letters Patent Act against the Order dated 31-01-2005 in W.P.No.1067 of 2005 on the file of the High Court.)

WAMP.No.467 of 2005 & WA. No.431 of 2005:

Between:

B.Channa Keshava Reddy,

S/o B.Narasimha Reddy, Aged about 33 years;

Occ: Sarpanch, R/o Katrimala Village, Pamidi Mandal,

Ananthapur district.

..Appellant-Petitioner

and

1. Smt. T.Chintambarammma,

W/o Bhaskar Reddy, Aged about 45 years,

R/o Katrimala Village, Pamidi Mandal,

Ananthapur district.

2 The Joint Collector,

Ananthapur district.

3. The Revenue Divisional Officer,

Ananthapur, Ananthapur district.

4. The Mandal Revenue Officer,

Pamidi mandal, Ananthapur district.

…Respondents

PRAYER IN WAMP No.467 of 2005

Petition under Section 151 C.P.C. praying that in the circumstances stated in the affidavit filed in support of the suspension petition, the High Court may be pleased to grant leave to the petitioner herein to file the above Writ Appeal, and to pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Appellant / Petitioner : Sri V.L.Surendra

Counsel for the Respondent No.1 : Sri S.D.Gowd

Counsel for the Respondent Nos.2 to 4 : G.P for Revenue.

The Court made the following:

ORAL JUDGMENT: (Per Hon'ble the Chief Justice)

The objection for grant of leave to the petitioner – appellant is on the ground that the appellant is not a card-holder and cannot question the order passed by the learned single Judge.

Admittedly, the petitioner – appellant is Sarpanch of Katrimala village and the area falls within his jurisdiction. By the order impugned in the appeal, learned single Judge stayed the order of suspension, pending enquiry, which order is contrary to the judgment of Division Bench of this Court in Writ Appeal No.218 of 2005 decided on 16th February, 2005. In the said judgment, the Division Bench referred to the decisions of this Court in JOINT COLLECTOR, KURNOOL Vs. A.NEELIMA , B.MAHESWARAMMA Vs. M.R.RAMASUBBAMMA and also the decision of another

Division Bench in Writ Appeal No.2003 of 2004 decided on 10th December, 2004, and set aside the similar order of stay.

The respondent – writ petitioner was a fair price shop dealer and pending enquiry into the grave charges of violation of the relevant provisions of Andhra Pradesh State Public Distribution System Control Order, 2001, authorisation was suspended, against which an appeal was filed and while the appeal was still pending, when he approached this Court, learned single Judge directed the order of suspension to be stayed during pendency of the appeal, which is wholly impermissible in law.

While granting leave and allowing the appeal, the impugned order is set aside and the writ petition is dismissed. While dismissing the writ petition, it is directed that the respondent authorities shall make all endeavours to dispose of the appeal as expeditiously as possible, and in any case, within a period of three months from the date of receipt of judgment from the Court and pass appropriate orders thereupon.

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DEVINDER GUPTA, C.J.

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B.SESHASAYANA REDDY, J

02-03-2005

bsc

Copy to:

1 The Joint Collector,

Ananthapur district.

2. The Revenue Divisional Officer,

Ananthapur, Ananthapur district.

3. The Mandal Revenue Officer,

Pamidi mandal, Ananthapur district.